

**UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF PENNSYLVANIA**

<b>RITA MENDEZ</b>	:	
	:	
<b>Plaintiff</b>	:	<b>CIVIL ACTION NO. 3:18-2063</b>
	:	
<b>v.</b>	:	<b>(JUDGE MANNION)</b>
	:	
<b>PIZZA ONE</b>	:	
	:	
<b>Defendant</b>	:	

**ORDER**

Presently before the court is Magistrate Judge Susan E. Schwab's report and recommendation ([Doc. 18](#)), that this case be dismissed for lack of subject matter jurisdiction. In response the plaintiff filed papers in which she states, "...I want to thank you for any assistance that was offered to me. Then this Pizza One can be closed...." While the court adopts the findings in Judge Schwab's Report, it also construes the plaintiff's correspondence as her consent to the dismissal of this case. ([Doc. 20](#)).

**NOW, THEREFORE, IT IS HEREBY ORDERED THAT:**

(1) Plaintiff's complaint ([Doc. 2](#)) is **DISMISSED** without prejudice to re-filing in the State Court.

(2) The Clerk of Court is directed to **CLOSE THIS CASE.**

s/ *Malachy E. Mannion*

**MALACHY E. MANNION**  
**United States District Judge**

**DATE: February 13, 2019**

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